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DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE



STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

NOTE: THIS FORM IS ONLY TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease
☐ Purchase
☒ Donation
☐ Other

Explain: _____

☒ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE: Upon acceptance

END DATE: 12/31/2013

(See Note #1 and Note #2)

FOR OFFICE USE ONLY	
FILE No. <u>CS4-0016957e8</u>	WRIA <u>39</u>
DATE ACCEPTED <u>08/25/2011</u>	BY <u>[Signature]</u>
FEE \$ <u>—</u>	REC'D <u>08/08/2011</u>
CHECK No. <u>—</u>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME Hutchinson Properties L.L.C.	PHONE NO. (509) 933-7050	FAX NO. ()
ADDRESS P.O. Box 938		
CITY Ellensburg	STATE WA	ZIP CODE 98926-0938

CONTACT NAME (IF DIFFERENT FROM ABOVE) Jeff Slothower	PHONE NO. (509) 925-6916	FAX NO. (509) 962-8093
ADDRESS P.O. Box 1088		
CITY Ellensburg	STATE WA	ZIP CODE 98926-1088

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER 00169	RECORDED NAME(S) Hutchinson Properties L.L.C. (See Note #2)
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (See Note #2)	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (See Note #2)	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

FOR OFFICE USE ONLY	
WATER RIGHT NO. <u>00169</u>	FILE (contract) NO. <u>CS4-0016957e8</u>

3. How is Water to be Made Available for Trust?

<input type="checkbox"/> Alteration in method of diversion	<input type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
Name of funding source(s):	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Yakima River		NW	SE	12	18	17	(See Note #3)	

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
(See Note #4)			

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
(See Note #5)	

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Parcel 3T of Survey recorded March 7, 1966, AFN 199603070020 in Book 21 of Surveys, at Page 232, records of Kittitas County, being a portion of the South 1/2 of the NW 1/4 of the SW 1/4 of Section 28, Township 18, N, Range 18 East, W.M. (See Note #2)							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		28	18	18	Kittitas		54.36
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
Yakima River

7. Remarks and Other Relevant Information:

Note 1: The applicant desires to reserve the right to continue the portion of the water right placed into trust beyond the end date. The applicant owns and operates a gravel mining operation on portions of the place of use of the right. The mine is operated under DNR Surface Mine Reclamation Permit No. 70-010239. The applicant desires to donate the water described herein to the Trust while the mining of the place of use occurs. Once the mining ceases and the place of use is reclaimed, the applicant will remove the water from the Trust to use the water in the authorized place of use for the authorized purpose. The applicant proposes the applicant will notify the Washington State Department of Ecology (Ecology) by November 1 of the year and inform Ecology that the applicant wants to allow part of the water to remain in trust. If the applicant fails to notify Ecology of its intentions, then the water automatically remains in the Trust Water Right Program for the next calendar year.

Note 2: The applicant, on 4/28/06, filed pleadings with the Yakima County Superior Court in *Ecology v. Acquavella* asking the court to divide the water right and place a portion of the water right which is appurtenant to the property owned by applicant into applicant's name. The portion of the water right the applicant desires to place in trust was donated previously under Ecology Control No. CS4-00169CTCL@2. See letters from Ecology to the applicant dated February 19, 2008 and March 10, 2008. The applicant wishes to re-donate the same portion of the water right back into trust (Exhibits A and B).

Note 3: The complete description of the point of diversion is 500 feet south and 850 feet east from the center of Section 12, being within the NE 1/4 NW 1/4 SE 1/4 of Section 12, T 18 N, R. 17 E.W. M.

Note 4: a) .6 cfs; 301.40 acre feet per year for irrigation of 20.00 acres;
b) .16 cfs for conveyance loss;
c) .08 cfs, 8.2 acre feet per year from December 1 to March 31 for stock water;
d) April 1 to October 31 for irrigation – continuous for stock water

Note 5: The applicant wishes to transfer to the Trust Water Right Program the following quantities of water that were originally established in a February 19, 2008 letter from Ecology and then reiterated in a March 10, 2008 letter from Ecology:

Purpose of Use	Instantaneous Quantity – Qi (cubic feet per second)	Annual Quantity – Qa (acre-feet/year)	Period of Use
Irrigation of 20 acres	0.6 cfs	301.40 afy	April 1 to October 31
Stock water	0.08 cfs	8.2 afy	Continuous
Conveyance Loss	0.16 cfs	N/A	Continuous
Total	0.84 cfs	309.6 afy	

The water placed in trust may be used by the Trust for instream flow purposes or fish enhancement purposes so long as the water may be used for the authorized purposes when it is removed from trust.

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

James O. Hutton, member 8/14/11
(Applicant) (Date)

James O. Hutton, member 8/14/11
(Water Right Holder) (Date)

James O. Hutton, member 8/14/11
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION: _____

STAFF: _____ **DATE:** ____/____/____